



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Michael Lynch, Ohio Department of Job and Family Services

FROM: Michael Bender, Business Advocate

DATE: August 26, 2022

RE: **CSI Review – OFC: HB 8 – Training changes (OAC 5101:2-5-28, 5101:2-5-33, and 5101:2-5-38)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Department as provided for in ORC 107.54.

Analysis

This rule package consists of three amended rules proposed by the Ohio Department of Job and Family Services (ODJFS). This rule package was submitted to the CSI Office on June 16, 2022, and the public comment period was held open through June 23, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on June 16, 2022.

Ohio Administrative Code (OAC) 5101:2-5-28 provides for the process by which ODJFS may deny initial foster home certification, deny recertification, or revoke existing foster home certification either through unilateral action or upon recommendation by a recommending agency. The rule is amended to update citations. OAC 5101:2-5-33 provides for the preplacement and continuing training that a person seeking foster caregiver certification or recertification must complete. The rule is amended to move training topics to a new appendix, list newly required resource readiness training topics that will be effective on January 1, 2023, increase the number of outside classroom hours which can fulfill continuing training requirements from one-fourth to one-half, allow preplacement and continuous training to be completed via live synchronous distance learning, and make language clarification updates. OAC 5101:2-5-38 provides for the training stipend payments by recommending agencies to foster caregivers and the reimbursement of recommending agencies for such payments

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by ODJFS. The rule is amended to increase the amount of stipends from ten dollars per training hour to fifteen dollars per hour, reduce the number of reimbursable preplacement training hours for family foster and specialized foster homes from thirty-six to twenty-four, reduce the reimbursable family foster caregiver continuing hours from forty to thirty and specialized foster caregiver continuing hours from sixty to forty-five, and increase the agency training allowance from fifteen dollars per training hour to twenty dollars per hour.

During early stakeholder outreach, ODJFS held interested group meetings and discussions for several months in 2021 via video-conference, phone call, and email with the Ohio Children's Alliance, the Public Children Services Association of Ohio, Ohio's University Consortium for Child and Adult Services (OUCCAS), and representatives from county and private agencies throughout the state to discuss the draft rules. ODJFS incorporated feedback from these discussions into the rules. The rules also went through the public clearance process from April 18, 2022, through May 2, 2022. Comments focused on the foster caregiver training topic and hour requirements, particularly for pre-placement training and the caregiver's first certification period, with some requesting more topics and hours while others requested fewer. ODJFS replied that the training topic and hour requirements in the rules reflected the best compromise based on the input provided by the various organizations. Consequently, ODJFS did not revise the rules after the clearance process. During the CSI public comment period, ODJFS received one set of comments from OUCCAS. OUCCAS requested that the number of accepted training hours completed outside a classroom where a trainer is not present be increased from six hours to six and a half hours for preplacement training. After holding a discussion regarding this request, ODJFS and OUCCAS agreed that the rules would not be revised to incorporate this suggested change as OUCCAS would explore other options that would not increase the number of hours for self-directed study.

The business community impacted by the rules includes foster care agencies, among them eighty-eight public and more than one hundred private agencies. The adverse impacts to business vary based on the size and staffing of each agency and include the time and cost needed to follow the guidelines and procedure for investigating complaints against a foster home, ensure that foster caregivers complete the required hours of training, complete the process for reimbursement for foster caregiver training stipends and allowances, and enter and report needed information into the Ohio statewide automated child welfare information system. ODJFS notes that the current average wage for a social worker is estimated to be \$22.00 per hour by Zip Recruiter. ODJFS states that the adverse impacts are justified to ensure the safety of children in substitute care and to provide guidance to agencies on conducting investigations of foster homes, training foster caregivers, and reimbursement for training stipends and allowances for foster caregivers.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that ODJFS should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.